

NORTH SOMERSET COUNCIL DECISION



DECISION OF: COUNCILLOR MARK CANNIFORD. THE EXECUTIVE MEMBER FOR PLACEMAKING AND ECONOMY

WITH ADVICE FROM: THE DIRECTOR OF PLACE

DECISION NO: 22/23 DP 538

SUBJECT: PORTISHEAD NEIGHBOURHOOD PLAN -EXAMINERS REPORT AND REFERENDUM

KEY DECISION: YES

REASON: It affects more than one ward in North Somerset

BACKGROUND:

1. A neighbourhood Plan is prepared by the local community (with help and advice from North Somerset Council and other bodies as necessary). If it secures a majority “yes” vote at the referendum (more than 50% of the votes) then North Somerset Council must subsequently “make” the plan. It will then have the status of a development plan document and will be used alongside the North Somerset Core Strategy, Site Allocations Plan and Development Management Plan. Where relevant policies exist in the Neighbourhood Plan they will take precedence over the North Somerset Development Management Plan policies within the area covered by the neighbourhood plan.
2. The time period of the Portishead Neighbourhood Plan is aligned to the Core Strategy time period up to 2026 and there may be a need to review the neighbourhood plan in whole or part once the new Local Plan for North Somerset is adopted and supersedes the Core Strategy.
3. Once the decision has been made (this decision) that the Plan meets the necessary conditions to go to referendum then it will have due weight in decision making on planning applications from that point. It does not formally become part of the North Somerset Development Plan however until it has passed the referendum and then subsequently been “made” by the Council.

4. Barbara Maksymiw was appointed independent examiner and issued the examiner's report on Monday 3 April.

It is the role of the examiner to consider whether a neighbourhood plan meets the "basic conditions" as set out in law following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

The examiner also must decide whether it meets other provisions under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990; this includes

- confirming that the plan identifies a time period,
- the Parish Council is the correct body to prepare the plan, and
- it contains policies for the development and use of land and does not include excluded development.

5. During the examination Ms Maksymiw asked for additional information to clarify the intentions of some policies (which was published on the [NSC Portishead Neighbourhood Plan webpage](#)) and also for an additional period of consultation to be carried out on an amended map. Her report and recommendations are made on the basis of this additional information.
6. Ms Maksymiw has concluded that the Portishead Neighbourhood Plan **with modifications** meets these provisions.
7. The Examiner can make one of three recommendations:
 1. that the Neighbourhood Plan should proceed to Referendum as it is, on the basis that it meets all legal requirements;
 2. that the Neighbourhood Plan, as modified, should proceed to Referendum;
 3. that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
8. Ms Maksymiw has concluded in line with 2. above, namely that provided the recommended modifications are made the Plan will meet the basic conditions and can go forward to referendum. She has also stated that the referendum area should be the neighbourhood area covered by the Neighbourhood Plan (i.e. the four wards of Portishead).
9. The modifications recommended are to bring the Plan in line with the basic conditions, (particularly the strategic policies of the current development plan), for

factual correctness, or to add clarity for decision makers. There are 41 policies in the plan and modifications have been made to 30 of these. Although necessary, many are minor in nature. More notable modifications include:-

- The timeframe of all of the policies has been aligned with the adopted Core Strategy (not the emerging Local Plan which has not reached a stage where it has any policy status)
- The deletion of policy PWH10 Self Build and Custom Housing because it is based on an emerging Local Plan policy which has no status and which has not been viability tested either through the Neighbourhood Plan or the Local Plan. As the Plan makes no site allocations there is no site where this policy could be applied.
- Deletion of a number of proposed additional Local Green Spaces which do not meet the criteria set out in the National Planning Policy Framework para 104.
- Generally tightened up the wording of policies to make the meaning clearer, better reflect national or strategic policies.

10. North Somerset Council must now consider each of the examiners recommendations (and reasons) and decide whether to accept the modifications. The only modifications which the Council can make are:

- to ensure the Plan meets the basic conditions
- to make it compatible with EU Convention Rights
- to comply with the definition of a neighbourhood development plan and the provisions that can be made by a neighbourhood development plan
- to set a time period for the plan
- to correct errors

11. If North Somerset Council is satisfied that the Portishead NDP can meet these conditions and provisions if modified, then a referendum must be held. The referendum is arranged by North Somerset Council and must be held within 56 working days of the decision to hold the referendum unless the Town Council agrees to a different date. The recommendations in the appended table are that each of the modifications should be accepted for the reasons stated.

12. Were the Council to decide not to accept an examiner's modification and come to a different conclusion because of new evidence, or because it takes a different view of a certain fact, then it is necessary to undertake a further period of consultation with the possibility of holding another examination. This course is therefore not to be undertaken lightly. The table of modifications is appended to this report, with the recommendation that the Executive member agrees each of them.

DECISION:

1. Accept the Examiners modifications to the Portishead Neighbourhood Plan as set out in the appendix to this report and resolve that with those modifications the

Portishead Neighbourhood Plan meets the basic conditions, is compatible with Convention rights and complies with the definition of a neighbourhood development plan and should therefore proceed to referendum; the referendum area will be the neighbourhood plan area of Portishead, and

2. The Director of Place be authorised to make the necessary arrangements for the Referendum which will be held within the Portishead Neighbourhood Plan Area.

REASONS:

13. The Portishead Neighbourhood Development Plan (NDP) has been tested through independent examination. Following consideration of the Examiner's report, North Somerset Council must come to a formal decision as to whether the Plan meets the necessary basic conditions and other provisions in order to go forward to referendum.
14. The examiner has concluded that a number of modifications are required in order that the Plan meets the necessary 'basic conditions'.
15. There is no reason not to accept any of the examiner's modifications, there is no reason to come to a different conclusion because of new evidence, or need to take a different view of a certain fact.
16. It is recommended that the modifications are accepted for the reasons given in the appendix and that the Executive member resolve that with the modifications set out in the appendix to this report the Plan meets the conditions and provisions in order for it to proceed to referendum. Once this decision has been made then a referendum must be held.

OPTIONS CONSIDERED:

As the plan is considered to meet the necessary basic conditions and other provisions, the only option is for North Somerset Council to organise a referendum. The referendum must take place within 56 working days of the published decision, unless the Parish Council agrees to an alternative date.

FINANCIAL IMPLICATIONS:

Government provides funding by way of a Neighbourhood Planning Grant to help Local Planning Authorities (LPAs) meet their legislative duties in relation to neighbourhood planning. Specifically, it covers the neighbourhood planning duties introduced by the Localism Act 2011 which are to provide advice or assistance; to hold an examination; and to make arrangements for a referendum. As such £20k can be claimed in retrospect once a Local Planning Authority have made the decision to hold a referendum on the Neighbourhood Plan. This is done through Neighbourhood Planning grant on the governments DELTA claims system. Payments will be made under S31 of the Local Government Act 2003 and can be applied for quarterly.

There are no ongoing financial implications. The Neighbourhood Development Plan does not commit council resources in order to implement the plan's provisions.

Costs

See above

Funding

See above

LEGAL POWERS AND IMPLICATIONS

There is a duty on the Council to assist the Neighbourhood Plan making process and the procedure is set out in Schedule 4B of the 1990 Town and Country Planning Act (as amended) and Neighbourhood Planning (General) Regulations 2012, and Town and Country Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The Neighbourhood Development Plan contains policies and community actions to help tackle climate change at the local Neighbourhood Development Plan area

CONSULTATION

The Neighbourhood Planning (General) Regulations 2012 require that a formal period of consultation is carried out by the parish council in the preparation of the NDP (known as Regulation 14 consultation). This was carried out and as required a consultation statement detailing this was submitted to North Somerset Councils with the Neighbourhood Plan.

It is also a requirement under Regulation 16 of the same Regulations that North Somerset Council undertake a period of consultation on the submitted plan and accompanying documents. This was carried out from 15 October to 18 November 2022 . All responses received were forwarded to Ms Maksymiw for consideration as part of the Examination. Additionally, the examiner requested that a further three week consultation was undertaken on a revised map (Figure 14) which took place between 31 January and 21 February 2023.

RISK MANAGEMENT

The Plan with modifications is considered to meet the necessary basic conditions and therefore it must be passed to referendum. The only circumstance in which this would not take place were if the Parish Councils as Qualifying Body made a decision to withdraw the plan

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? Yes / **No**
The Neighbourhood Plan is considered to have met the necessary Human Rights Articles and it is not considered that there are any equality impact considerations arising from the Plan.

CORPORATE IMPLICATIONS

There are no direct corporate implications

APPENDICES

Appendix 1 List of examiners proposed modifications and Councils response


Appendix 2 Examiners report

BACKGROUND PAPERS

[Portishead Neighbourhood Plan \(as submitted for examination\)](#)

SIGNATORIES:

DECISION MAKER(S):



Signed:

Executive Member for Placemaking and Economy

Date: 26/04/23

WITH ADVICE FROM:



Signed:

Director of Place

Date: 26/04/23

Appendix 1 List of examiners proposed modifications and Councils response

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
Basic Conditions Statement	36-37	Renumber the tables on pages 9-15 of the Basic Conditions Statement tables 1B, 1C and 1D.	The table numbering system used in the Basic Conditions Statement means that some numbers are duplicated and ideally this should be corrected.	Agree with examiners reasoning and proposed modifications. Renumber tables in BCS
Development Plan	41	Change all references in NP to the adopted "Sites and Policies Plan" to "Development Management Policies 2016" and "Site Allocations Plan 2018" as appropriate.	To ensure consistence with the naming convention for adopted plans used by North Somerset Council.	Agree with examiners reasoning and proposed modifications. Amend references as appropriate.
Basic Conditions Statement	42	Amend the title below paragraph C3.3 of the Basic Conditions Statement to read "Tables 2A-2D NP policies general conformity against the adopted North Somerset Core Strategy and Sites and Policies Plan Parts 1 and 2".	Town Council has confirmed that the assessment of the NP policies against local strategic policy is against the adopted development plan, as listed in paragraph C3.1. To make this clear the title below	Agree with examiners reasoning and proposed modification. Amend title below para C3.3

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
			paragraph C3.3 should be changed, otherwise, there is a risk that the table could be taken to be an assessment against the emerging Local Plan.	
Development Plan	46	The reference to the neighbourhood plan time horizon should be amended to 2026 to align with the adopted Core Strategy.	The emerging Local Plan can be given little weight given the stage of preparation and the uncertainties about its progress.	Agree with examiners reasoning and proposed modification. Amend the Plan time horizon to 2022-2026
Policy PEN1 Landscape setting and views	60	Reword the first sentence of Policy PEN1 to read "Any development should seek to conserve and enhance the landscape setting of Portishead and have regard to the Landscape Character Assessment shown in Figure 2 and the Portishead Key Views Map shown in Figure 3". In PEN1iii add "the ancient woodland at" before "Weston Big Wood"	Policy omits reference to Figure 3 Portishead Key Views map and so needs to be expressed more precisely. The reference to Weston Big Wood in clause iii) should make it clear that it is designated ancient woodland.	Agree with examiners reasoning and proposed modification. Make the necessary changes to policy PEN1.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
PEN1 Landscape setting and views	61	Delete "Key View Type 4:from the Gordano Valley towards Portishead- OUTSIDE THE PLAN AREA" from the Local Key Views Report.	The Plan cannot address planning matters outside the Plan area.	Agree with examiners reasoning and proposed modification. Amend key views report text.
PEN2 Portishead's Green and Blue Infrastructure	62	Add title "Figure 4 Green and Blue Infrastructure" to the map on page 35. Add reference to the National Green Infrastructure Framework at end of para 3.16	Map title missing. Adding reference to the National Green Infrastructure Framework will assist future Plan users.	Agree with examiners reasoning and proposed modification. Make the examiners modifications
PEN3 Flood Risk Management	63	Delete "major" at the start of second para of policy PEN3.	Smaller developments can present as much flood risk and environmental harm as major development.	Agree with examiners reasoning and proposed modification. Delete "major"
PEN3 Flood Risk Management	64	Delete third para of PEN3. In first sentence of para 3.27 after "North Somerset" delete "Local Plan" and insert "Core Strategy CS3).	Policy conflicts with para 159 of the NPPF which states that a sequential test should be followed if development is proposed in an area at risk of flooding. Also overlaps strategic guidance in Core Strategy policy CS3	Agree with examiners reasoning and proposed modification. Make the necessary text changes to PEN3 and para 3.27.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
PEN 4 Biodiversity	65-69	<p>Delete the first sentence of paragraph 3.30 and second sentence of para 3.31 which refer to emerging Local Plan policies DP32 and DP33.</p> <p>Delete “minimum of 10%” in first line of Policy PEN4.</p> <p>In first sentence of Para 3.31, delete “requires a minimum of 10% biodiversity net gain” and replace with “seeks to minimise impacts on and provide net gains for biodiversity”</p>	<p>References to the emerging Local Plan policy are premature and should be deleted.</p> <p>Para 174d of NPPF does not specify a minimum biodiversity net gain target as suggested in para 3.31</p>	<p>Agree with examiners reasoning and proposed modification which reflects existing national and local policy.</p> <p>Make necessary modifications to the policy PEN4 and supporting text.</p>
PEN 4 Biodiversity	72	<p>Sentence at the end of para 2 of Policy PEN4 should be deleted.</p> <p>In the last para of the policy, add “as identified in Figure 6” after “and habitats)”</p>	<p>Confusing to refer to Figure 4 and Figure 6 without clarity as to which guidance should apply to each. So sentence should be deleted and a reference to Fig 6 added to last para of the policy.</p>	<p>Agree with examiners reasoning and proposed modification.</p> <p>Amend policy PEN4 text</p>

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
PEN 4 Biodiversity	73	Delete fifth para of Policy PEN4.	Selective use of the NPPF par 180 would be confusing to users of the NP.	Agree with examiners reasoning and proposed modification. Amend policy PEN4
PEN5 Trees, Hedgerows and Woodland	74	Third sentence of PEN5 change "50-150 metre" to "minimum of 15m and preferably up to 50m". In fourth sentence of para 3.37 delete "50-150 metre" and replace with "minimum of 15m and preferably up to 50m". Delete remainder of last sentence of para 3.37 after "the first risk zone".	No justification is given for the greater buffer width. Doesn't meet basic conditions.	Agree with examiners reasoning and proposed modification. Replace with examiners wording
PEN5 Trees, Hedgerows and Woodland	75	In third line of second para of Policy PEN5, add "(a) "after "either".	As written there is a clause (b) but no clause (a).	Agree with examiners reasoning and proposed modification. Amend text to rectify omission.
PEN5 Trees, Hedgerows and Woodland	76	Add new sentence at end of third para of Policy PEN6 to read "Wherever possible they should be	Third para dealing with trees goes beyond NPPF para 131, which refers to existing trees	Agree with examiners reasoning and proposed modification.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		protected, without damage or loss of value, particularly those which demonstrate good arboricultural biodiversity value.”	being retained “wherever possible”.	Amend policy PEN6 text.
PEN6 Designation of Local Green Space	76-83	Delete:- Allotments <ul style="list-style-type: none"> • LG5 (Lower Down Road) • LGS7 Gertie Gales • LGS8 (Beach Hill) • LGS9 (North Weston) Other:- <ul style="list-style-type: none"> • LGS10 (Island in West Hill) and • LGS13 (Lorymore’s Park, Nore Road) and • LGS26 Sheepway roundabout orchard. • LGS28 Fore Hill and Lyes Orchard Renumber subsequent LGS and Figure 8 accordingly. Amend mapping for LGS27 Village Quarter Ecology Park to include	Many of the small sites below 0.2 ha are well maintained, clearly defined assets which add to the street scene. However LGS13 is a small area of concrete hardstanding and therefore doesn’t meet the NPPF definition in para 101 and 102. Allotment sites are not generally considered LGS and are already protected through PWC1 protections of community facilities and infrastructure. LGS26 (Sheepway Roundabout Orchard) is part of the adopted highway.	Agree with examiners reasoning and proposed modifications. Delete the areas of proposed LGS identified as not meeting the NPPF definition.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		the pond within the designation Check the boundary of LGS2 Slade Road West to ensure it doesn't overlap with the boundary of housing site allocation in Site Allocations Plan policy SA1.	LGS28 is an extensive area of fenced off and private mixed wood and agricultural land and therefore doesn't meet the NPPF criteria. Much of it is protected as a Local Wildlife Site.	
PEN6 Designation of Local Green Space	84	Amend second sentence of para 3.47 to read "These designations are shown for information in Figure 8". Amend final sentence of para 3.47 to read "The Neighbourhood Plan designates a number of additional Local Green Spaces that are particularly special to the Portishead community".	NP should make clear that PEN6 LGS sites are additional to those in the Adopted Site Allocations Plan policy SA5.	Agree with examiners reasoning and proposed modification. Amend para 3.47
Para 3.6	88	In the second sentence of para 3.6, add "national" before "listing system".	The former Nautical School is not the only listed building of national importance	Agree with examiners reasoning and proposed modification. Amend para 3.6
PEB1 Locally Distinctive, High Quality Design	89	Add "wherever appropriate, in relation to the scale of development" before "All new	A thorough site appraisal may not be appropriate for smaller scale development	Agree with examiners reasoning and proposed modification.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		development” at the start of the second paragraph of policy PEB1 and change “must” to “should” before “drawn upon”.	including householder applications.	Make necessary changes to policy PEB1.
PEB1 Locally Distinctive, High Quality Design	90	In the second sentence of the fifth paragraph of Policy PEB1 delete “that” after “development schemes” and add “are encouraged to”. Delete “will be supported” at end of paragraph.	The requirement that major new development should achieve nine out of twelve “green” indicators on the Building for Life Commendation is onerous and unjustified and should be rephrased as “encouraged”.	Agree with examiners reasoning and proposed modification. Amend policy PEB1.
PEB2 Small and Infill Development	91	Delete “where an improvement...particularly supported” at the end of the final bullet of policy PEB2 and replace with “which seeks to minimise impacts on and provide net gains for biodiversity”.	Requirements of policy are onerous particularly for householder applications. Amendments are also needed so that it accords with the changes to policy PEN4 above.	Agree with examiners reasoning and proposed modification. Amend policy PEB2
PEB2 Small and Infill Development	92	Delete Appendix 3 “Proposed Portishead Settlement Boundary	Appendix 3 is premature as the Local Plan has not reached	Agree with examiners reasoning and proposed modification.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		(emerging North Somerset Local Plan). Second para of policy PEB2 after "within the" delete "adopted Local Plan (policies SA2 and DM37) and replace with "the adopted Site Allocations Plan 2018 policy SA2 and adopted Development Management Plan Policies 2016 policy DM37" and after "Settlement Boundary" add "shown in Figure 11"	the formal submission stage. No direct reference to the Figure 11 map within the policy.	Delete appendix 3 and make necessary amendments to policy PEB2.
PEB3 Local Heritage	93	In second sentence para 3.7, delete "Historic England" and replace with "the Secretary of State" and delete "appointed" and replace with "designated".	Listed buildings are designated by the Secretary of State and not Historic England and conservation areas are "designated" not "appointed".	Agree with examiners reasoning and proposed modification. Amend para 3.7.
PEB3 Local Heritage	93	In para 3.77 add "II*," after Grade I or".	Amend para 3.77 in include omitted reference to Grade II* listed buildings	Agree with examiners reasoning and proposed modification. Add additional text to para 3.77.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
PEB3 Local Heritage	95	In para 3.79, change “are working to” to “has worked” and change “launch” to “produce”.	A local list has now been prepared so para 3.79 needs to be updated accordingly.	Agree with examiners reasoning and proposed modification. Amend para 3.79 text
PEB3 Local Heritage	96	In second bullet of PEB3, delete “and structures across the town” and replace with “ listed buildings. Buildings of local significance, scheduled monuments, other archaeological sites, registered and other historic parks and gardens”. Add new sentence after the second bullet point to read “The historic environment record should be consulted and the heritage assets assesses using appropriate expertise where necessary. Where a site on which development is proposed include, or has the potential to include, heritage assets with archaeological interest,	Policy PEB3 requires some amendment to ensure that it accords with para 194 of the NPPF and Core Strategy policy CS5 Landscape and Historic Environment in order to meet the basic conditions.	Agree with examiners reasoning and proposed modification. Amend policy PEB3 wording as modification

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation".		
Figure 12 map Local Heritage Assets.	97	Add the Lake Grounds as an unregistered park and garden on Map 12.	PEB3 part B and Figure 12 map of Local Heritage Assets in the NP area omits the Lake Grounds as an unregistered park and garden.	Agree with examiners reasoning and proposed modification. Amend map Figure 12
PEB3 Local Heritage	97	In policy PEB3 part B add new clause PEB3 part B v to read "potential archaeological assets, through consulting the Historic Environment Record (HER) and providing an archaeological desk-based risk assessment, where appropriate".	Reference should be made to potential archaeological assets and the need to consult the Historic Environment Record (HER) and providing an archaeological desk based risk assessment, where appropriate.	Agree with examiners reasoning and proposed modification. Amend policy PEB3 as examiners modification.
PEB3 Local Heritage	98	At start of the last sentence of PEB3 part B, delete "A heritage impact assessment" and replace with "a Heritage	The last sentence of PEB3 part B requires amendment to make it clear that a Heritage Statement is required and the Impact	Agree with examiners reasoning and proposed modification. Amend policy PEB3

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		Statement, including an Impact Assessment”	Assessment is contained within it.	
PEB4 Sustainable Design, Construction and Retrofitting	99	Amend clause a) of policy PEB4, to delete “seek” and replace with “be encouraged”.	Goes further than Strategic Policy CS2. To comply with the basic conditions test the zero-carbon toolkit can only be encouraged not enforced.	Agree with examiners reasoning and proposed modification. Amend Policy PEB4
PEB4 Sustainable Design, Construction and Retrofitting	100	Delete Policy PEB4 clause d). Renumber subsequent clauses accordingly.	Overheating is covered by building regulations part O, so clause d) should be deleted.	Agree with examiners reasoning and proposed modification. Amend policy PEB4
PEB4 Sustainable Design, Construction and Retrofitting	101	In second para of PEB4 add “energy saving measures after “the retrofit of”.	Second para of PEB4- requires clarification as to what is to be retrofitted.	Agree with examiners reasoning and proposed modification. Amend policy PEB4
PWC1 Protection of Existing Community Facilities and infrastructure para 4.9	103	Add paragraph number to para below 4.9 and renumber subsequent para’s accordingly.	Missing para number after para 4.9.	Agree with examiners reasoning and proposed modification. Amend text to para 4.9
PWC1 Protection of Existing Community Facilities	104	Add a table number to the table on page 75, entitled Community Facilities List.	Table of existing community facilities on page 75 is not referred	Agree with examiners reasoning and proposed modification.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		<p>Add a reference to this table in the first sentence of policy PWC1.</p> <p>Add "64 Portishead Guide Hut" to the list of Youth and Other facilities.</p>	<p>to in the policy, but should be included alongside the map Figure 13 to add clarity.</p> <p>A representor has suggested that an additional community facility, the Portishead Guide Hut, should be added to the list of youth and other facilities.</p>	<p>Amend policy PWC1, map and table</p>
Para 4.25	106	Delete last two sentences of para. 4.25	Para 4.25 refers to emerging housing numbers from the draft North Somerset Local Plan which has no status and is therefore premature and should be deleted.	<p>Agree with examiners reasoning and proposed modification.</p> <p>Delete text from para 4.25</p>
PWH1 Protection of Portishead's Existing Housing Stock.	107	Add "where appropriate" at the end of first sentence of PWH1. In last sentence of PWH1 Insert "net" before "loss".	Policy is unduly onerous, as there will be some circumstances, such as town centres where the conversion from residential to other uses may be	<p>Agree with examiners reasoning and proposed modification.</p> <p>Amend policy PWH1</p>

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
			appropriate as well as other circumstances such as demolition which could result in a net gain in residential properties.	
PWH2 Retaining Existing Valued Smaller and Accessible Housing Stock	108	Reword title of policy PWH2 to "extensions to existing dwellings".	The policy title is misleading and doesn't fit the content of the policy.	Agree with examiners reasoning and proposed modification. Amend policy PWH2 title
PWH3 New Housing to Meet Local Needs	109	<p>First bullet point of PWH3 delete reference to "or subsequent adopted Local Plan Policy".</p> <p>Second bullet point PWH3 add "latest" after "in the" and delete "2021".</p> <p>Delete last clause of policy PWH3.</p>	<p>The reference to the emerging Local Plan in the first bullet point is not appropriate and should be deleted.</p> <p>Second bullet point, as the Portishead Local Housing Needs Assessment could be updated over the lifetime of the NP, a more generic reference is required.</p> <p>The Neighbourhood Plan and its' policies should be read as a whole and so the last</p>	Agree with examiners reasoning and proposed modification. Amend policy

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
			clause of policy PWH3 simply duplicates guidance elsewhere in the NP and is not needed.	
PWH4 Making Housing Available to Local People in Housing Need	110	<p>First sentence of policy PWH4 delete “where open market, First Homes and all other” and replace with “ensuring that”.</p> <p>Delete “Either” and “immediately preceding the date of bidding or offer in the case of Shared Ownership housing” in clauses i. to iv.</p> <p>Add new sentence below PWH4iv to read “in all cases the timeframe will be taken to be that immediately preceding the date of bidding or offer in the case of shared ownership housing.</p> <p>Add “or” at the end of cluses PWH4i to iv in last sentence of Policy PWH4 clause iv to read “These criteria will not apply to</p>	<p>Format is repetitive and confusing meaning that the priorities are unclear. As social rented housing is the priority in North Somerset rather than First Homes, so the emphasis of the policy should be changed.</p> <p>To comply with government guidance (Paragraph: 008 Reference ID: 70-008-20210524) the local connection criteria should not be applied to members of the armed forces and veterans.</p>	<p>Agree with examiners reasoning and proposed modifications.</p> <p>Amend policy PWH4 as examiners mods and add an additional paragraph, with subsequent paragraphs renumbered accordingly.</p>

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		<p>members of the armed forces and veterans". Add a reference to clauses PWH4i to iv in last sentence of PWH4. At end of last sentence of PWH4, add "as set out in policy PWH4i-iv". Add new para 4.46 to read "The criteria set out in Policy PWH4 will not apply to members of the armed forces or veterans in line with Planning Practice Guidance Paragraph:008 Reference ID:70-008-20210524". Renummer subsequent paragraphs accordingly.</p>		
PWH6 Homes for Elderly Disables and Vulnerable People Para 4.63	113	Delete first sentence of para 4.63. In second sentence delete "it will strengthen the requirement to provide accessible and adaptable homes-as currently drafted," Start new sentence at "policy DM42"	Premature to reference emerging draft Local Plan policy on Accessible and Adaptable Homes.	Agree with examiners reasoning and proposed modifications. Amend text in para 4.63

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
PWH8 Alterations to make Existing Homes Accessible	115	Delete last bullet point of PWH8.	Reference to loss of parking within the policy is not explained in the supporting text and so should be deleted.	Agree with examiners reasoning and proposed modifications. Amend policy PWH8
PWH9 Community Led development Projects	116	Delete "(or any subsequent revision)" from second bullet point of PWH9.	The reference to "or any subsequent revision is superfluous and not consistent with the approach taken elsewhere in the NP.	Agree with examiners reasoning and proposed modifications. Amend policy PWH9
PWH10 Self Build and Custom Build Housing	117	Delete para 4.73-4.77, other relevant supporting text and policy PWH10.	This policy is based on the emerging North Somerset Local Plan policy DP46, which has yet to be viability assessed. In addition, as the NP makes no housing site allocations there is no site where this policy could be applied. It therefore should be deleted.	Agree with examiners reasoning and proposed modifications. Delete policy PWH10
PWH11 Sub-Divisions and Conversions of Larger Properties	118	Delete "multi-modal parking standards 2021" in last bullet point of	The title of the parking standards document referred to in the final	Agree with examiners reasoning and proposed modifications.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
		Policy PWH11 and replace with "Parking Standards Supplementary Planning Document November 2021"	bullet point of Policy PWH11 needs to be corrected	Amend document title
Map 13 PPE1 Protecting Portishead's Valued Employment Space	119-121	<p>Delete existing Map 13 and replace with updated Map 14.</p> <p>Amend key reference "North Somerset Local Plan policy SA4" to "Site Allocations Plan policy SA4".</p> <p>Add new reference to "Site Allocations Plan policy SA3". Add full names for the Locally Identified Valued Employment Sites.</p> <p>In first sentence of Policy PPE1 change Figure 13 to Figure 14.</p>	<p>The updated mapping now distinguishes those sites which are protected under Site Allocations Plan policy SA3 and SA4 from the Locally Valued Employment Sites identified in policy PPE1, although the Site Allocations Plan is incorrectly referred to as the North Somerset Local Plan policy SA4 and should be corrected.</p> <p>Full names should be provided for the sites referred to in order to make it easier for users of the plan to identify the sites. The map numbering should be corrected.</p>	<p>Agree with examiners reasoning and proposed modifications.</p> <p>Replace Map 13 with updated Map 14 and amend text</p>

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
Para 5.17	122	Amend second sentence of para 5.17 to read "This reflects North Somerset Site Allocations Plan Policies SA3 and SA4 which set out criteria for specific sites where existing mixed use and employment uses are to be protected and discourages change of use from mixed use or employment to other uses. These are shown in Figure 14". In third sentence of para 5.17 add "additional" before "identified".	The supporting text should also be amended to clarify that policy PPE1 is a supportive policy, complementing Local Plan Policies SA3 and SA4, which protect the Old Mill and Gordano Gate sites for mixed use and employment use respectively.	Agree with examiners reasoning and proposed modifications. Amend paragraph text
PPE1 Protecting Portishead's Valued Employment Space	123	In first sentence of Policy PPE1, add "the existing" after "increase" and "use" after "employment". Delete "levels".	Policy PPE1 also needs some fine tuning to improve clarity for future users of the plan	Agree with examiners reasoning and proposed modifications. Amend policy PPE1
Page 106	125	Add paragraph numbers on page 106 and renumber subsequent paragraphs accordingly	Some para numbers are missing	Agree with examiners reasoning and proposed modifications.

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
				Amend text and paragraph numbers
Policy PPE3 Supporting Low Carbon Local Business	126	Replace "Neighbourhood Plan's approach" in second sentence of para 5.24 with "the community's aspirations".	As there is no policy for the Wyndham Way Study Area in the NP, then paragraph 5.24 should be amended to refer only to the community's aspirations. This change will provide clarity for future users of the plan so is appropriate.	Agree with examiners reasoning and proposed modifications. Amend para 5.24
Policy PPE5 Homeworking and Live-Work Units	128	Reword first sentence of Policy PPE5 to read "Proposals for live/work units and new housing development which enables homeworking will be supported, to help limit the amount of out-commuting and support local employment opportunities". Delete second paragraph of Policy PPE5.	In order to meet the basic conditions, PPE5 needs to be aligned more closely with Policy DM34 of the Development Management Policies - Sites and Policies Plan Part 1. The second paragraph of the policy duplicates other policy guidance elsewhere in the NP and should be deleted.	Agree with examiners reasoning and proposed modifications. Amend policy PPE5 text

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
Para 5.34 and 5.39	129	<p>Add references to the North Somerset Climate Emergency Action Plan and the North Somerset Active Travel Strategy 2020-2030 in paragraph 5.34.</p> <p>Add "the" before "public transport" in last line of paragraph 5.39.</p>	<p>It would be helpful if paragraph 5.34 included links to the North Somerset Climate Emergency Action Plan and the North Somerset Active Travel Strategy 2020-2030.</p> <p>There is a word missing in paragraph 5.39</p>	<p>Agree with examiners reasoning and proposed modifications.</p> <p>Amend text in policy 5.34 and 5.39</p>
Policy PPT1 Inclusive Active Travel	130	<p>In first sentence of Policy PPT1, delete "proportionately and positively" and replace with ", where appropriate,".</p> <p>In second bullet point, add "with an appropriate level of service or to help support the reactivation of an inactive bus stop and service" at the end of the sentence.</p>	<p>The reference to development proposals contributing "proportionately" towards the enhancement of the transport network is undefined and does not provide clear guidance for future users of the future users of the NP.</p> <p>Two suggested amendments have been made -that active bus stops should have an appropriate level of</p>	<p>Agree with examiners reasoning and proposed modifications.</p> <p>Amend policy PPT1</p>

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
			service and that reference should be made to the re-activation of an inactive bus stop.	
Policy PPT3 Supporting the Shift to Ultra Low Emission Vehicles	132	In Policy PPT3, line four, delete "Revised". In paragraph 5.57 change "2020" to "2021".	North Somerset Council has suggested minor changes to correct the references to the North Somerset Council Parking Standards Policy SPD in both Policy PPT3 and the supporting text.	Agree with examiners reasoning and proposed modifications. Amend policy PPT3
Policy PPT4 Parking	133	In Policy PPT4, line two, delete "Revised".	As in Policy PPT3, above, the reference to the North Somerset Council Parking Standards Policy SPD needs to be corrected	Agree with examiners reasoning and proposed modifications. Amend policy PPT4
Policy PPT5 Highways Impacts and Securing Highway Safety	134	In policy PPT5, insert a full stop before "addressing". Replace "addressing the" with "Proposals should address the".	The first sentence of policy PPT5 is very long and does not provide clarity for future users of the plan. I suggest it is split into two sentences	Agree with examiners reasoning and proposed modifications. Amend policy PPT5
Policy PTC1 Protection of Portishead Town	137	In first line of Policy PTC1, delete "emerging Local	Reference to the emerging Local Plan is	Agree with examiners reasoning and

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
Centre Character and Vitality		<p>Plan” and substitute “Development Management Policies : Sites and Policies Plan Part 1.”</p> <p>In the Local Policy Context on page 132, add at end of DM47 “within towns and defined settlements”.</p> <p>In DM63, delete “Frontages” and substitute “Shopping Areas”. Add “DM64 Primary Shopping Frontages” to the list.</p> <p>Reword DM66 to read “The sequential approach to retail development”</p>	<p>premature. References should be to the adopted development plan to meet the basic conditions. The local policy context also needs to be updated.</p>	<p>proposed modifications.</p> <p>Amend policy PTC1</p>
Policy PTC1 Protection of Portishead Town Centre Character and Vitality	138	<p>In second line of Policy PTC1, change “Figure 17” to “Figure 18”.</p> <p>Delete Figure 18 and replace with updated version provided by the Town Council.</p>	<p>The Town Council has provided an amended map illustrating the corrected boundary of the Town Centre area as defined in policy DM60 of the Development Management Plan and including baseline information.</p>	<p>Agree with examiners reasoning and proposed modifications.</p> <p>Amend policy PTC1 and replace Figure 18</p>

Policy/Paragraph	Examiners report ref/para	Examiners Modification	Summary of reasoning	Councils' conclusion and Action required
Policy PTC2 Business Use of Upper Floors	139	In Policy PTC2 delete "town centre premises" and replace with "premises within the defined Town Centre of Portishead and shown in Figure 18"	The reference to "town centre premises" is not sufficiently precise and should refer to the town centre definition in PTC1 and shown on Figure 18.	Agree with examiners reasoning and proposed modifications. Amend policy PTC2
Policy PTC3 Town Centre Housing	139	At start of first sentence of Policy PTC3 add "Where permitted development rights under use class MA do not apply, proposed". New sentence at end of para 6.22 to read "The scope to convert more town centre floorspace to residential use was supported by the changes to the Use Class Order in 2021 which created a new use class MA."	This policy requires some minor updating to reflect the changes to the Use Class Order in 2021 and introduction of class MA.	Agree with examiners reasoning and proposed modifications. Amend policy PTC3 and paragraph 6.22 text.

Portishead Neighbourhood Plan

Independent Examiner's Report

April 2023

Barbara Maksymiw

Independent Examiner BSc (Hons), MSc, MRTPI

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Summary

I have been appointed by North Somerset Council to carry out an independent examination of the Portishead Neighbourhood Plan.

Portishead is a vibrant community of around 27,000 people, situated just to the south of Bristol in North Somerset. Its population has grown by around 60 per cent over the last twenty years and the Town Council has a strategic aim of creating a modern sustainable town of the future.

The examination was carried out between November 2022 and April 2023 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 1 and 13 February 2023.

Subject to a number of modifications set out in this report, I conclude that the Portishead Neighbourhood Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

Barbara Maksymiw

Independent Examiner

April 2023

1. Introduction

1. Neighbourhood planning is now a well-established process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. Portishead is situated on the Severn Estuary, around eight miles to the west of Bristol and is a vibrant community of around 27,000 people. Through significant growth over the last twenty years, it now has a relatively young population and a strong community spirit. The town centre and marina area are notable features as are the spectacular sunsets over the estuary, while the surrounding landscapes are rich in biodiversity and are highly valued by local residents.

3. The purpose of this report is to assess whether the Portishead Neighbourhood Plan (NP) complies with the relevant legislation and meets the Basic Conditions. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

4. The report also makes a recommendation about whether the NP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NP can be “made” by North Somerset Council and so become part of the wider development plan and then used by North Somerset Council to determine planning applications in the plan area.

2. Appointment of the independent examiner

5. I have been appointed by North Somerset Council, with the agreement of Portishead Town Council, to carry out this independent examination. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

6. The role of the independent examiner is to ensure that the submitted NP meets the Basic Conditions together with a number of legal requirements.

7. In examining the NP I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country

Planning Act 1990, to check ¹ that:

- the policies in the plan related to the development and use of land for a designated neighbourhood area; and
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

8. I must also consider whether the NP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions² if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

9. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

¹ Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended)

² Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

10. A further Basic Condition was added by legislation in December 2018. The Neighbourhood Planning (General) Regulations 2012 para 1 states:

- In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

11. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

12. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

13. North Somerset Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

4. Compliance with matters other than the basic conditions

14. The Portishead Neighbourhood Area was formally designated as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012 on 16 October 2019. The designated area covers the whole town council area and does not include any other Neighbourhood Area. The plan covers the period from 2022-2038 which is aligned with the time horizon of the emerging North Somerset Local Plan, rather than the adopted North Somerset Core Strategy, Site

Allocations Plan and Development Management Policies Plan which all cover the period 2006 -26. I deal with this issue in more detail in paras 42 - 45 below.

15. The preparation of the plan has been managed by the Portishead Neighbourhood Plan Steering Group which includes representatives of Portishead Town Council and people from the local community. The group also engaged planning consultants to support the preparation of the plan.

16. I am also satisfied that the NP only includes policies that relate to the development and use of land and does not include provision for any excluded development. The Portishead NP therefore meets the requirements set out in para 7 above.

5. The examination process

17. The documents which I considered during the course of the examination are listed in Appendix 1.

18. The general rule⁵ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Portishead NP could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify a number of matters with North Somerset Council and the Town Council. These are set out in Appendix 2 to this report. I had prompt and very helpful responses to these queries. I was therefore satisfied that I had all the necessary information to carry out the examination.

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made unaccompanied site visits to the area on 1 and 13 February 2023.

21. The plan has been assessed against the guidance in the National Planning Policy Framework (NPPF) dated July 2021.

22. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended

⁵ PPG para 004 ref id 41-004-20140306

modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

6. Consultation

Consultation process

23. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the Neighbourhood Plan will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

24. In line with the Neighbourhood Planning (General) Regulations 2012⁶, the Steering Group has prepared a Consultation Statement for the NP which sets out how the group approached public consultation, who was consulted and the outcomes.

25. Initial work in 2019 and 2020 focussed on engaging with the local community and to highlight the issues and challenges facing the community to explain the plan making process. By December 2019 a set of key issues and been drawn up and these were used to frame the evidence gathering that followed.

26. The Steering Group has made extensive use of online methods to consult and keep people informed, notably through the use of the online consultation portal, Commonplace, and by setting up a dedicated Neighbourhood Plan website and Facebook page. A very wide range of consultation activities were organised, including public meetings at the Folk Hall, stalls at the Portishead Show and business, transport and extensive online community surveys. Particular topics and issues were explored in more depth by a number of Working Groups which held regular workshops and used specially devised toolkits for evidence gathering. As the impact of the pandemic hit during 2020 and 2021, the consultation methods were adapted to be safe and appropriate, so many activities moved online.

⁶ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

27. It is clear from the Consultation Statement that the Steering Group has engaged very extensively with the local community and kept people informed as the plan progressed. This consultation process has helped to ensure that the community's vision for Portishead, has been clearly shaped by the views and priorities of the community. This is:

Our vision is for a healthy, green, inclusive and prosperous community, met through sustainable change.

Over the Neighbourhood Plan period, Portishead will see sustainable development in line with the underpinning principle of all planning and development.

This means a town with:

- *A protected and enhanced natural green and blue environment, which provides a network and space for local wildlife, biodiversity and people to thrive;*
- *Sustainable growth that prioritises using brownfield land; responding positively to the climate emergency, and mitigating its local impacts;*
- *Valued local facilities, infrastructure and housing that are sufficient to meet local needs;*
- *An inclusive and green local transport network that provides everyone with safe opportunities for active travel;*
- *A mixed economy that supports our local businesses, town centre and High Street, and*
- *An outstanding and locally distinctive built environment.*

Statutory consultations and representations received

28. Preparing the NP has involved two statutory six-week periods of public consultation. The Regulation 14 consultation on Portishead NP was held between 28 March and 8 May 2022. Ten responses to the Regulation 14 consultation were received from statutory consultees including North Somerset Council, plus 3 responses from developers. A total of 930 comments were made to the online consultation with 5 sets of comments submitted in paper format.

29. The second consultation on the Submission Draft NP was managed by North Somerset Council and took place between 5 October until Friday 18 November 2022. This generated 36 responses – six from statutory bodies, six from developers and 20 from members of the public. A total of 21 responses were submitted by email with the remainder being made through the online consultation portal. In addition, a response was made by North Somerset Council.

30. In response to my query regarding the employment allocations made in the Submission Draft NP, the Town Council provided a revised Figure 14 (Map of valued employment sites) to show precise boundaries of the sites which will be subject to policy PPE1 and some additional supporting text. These were subject to a further focussed three week consultation ending on 21 February 2023. This generated 11 responses. In total 11 responses were received, five which were from statutory bodies. In addition, a response was made by North Somerset Council.

31. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

32. From the evidence in front of me, it is apparent that the Portishead NP has been subject to extensive community consultation involving much time and effort by the Steering Group. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

33. In my role as independent examiner I must assess whether the Neighbourhood Plan meets the Basic Conditions⁷ set out in the Regulations as described in paras 8-11 above.

34. I have considered the Portishead Neighbourhood Plan Basic Conditions Statement produced on behalf of the Steering Group to assist my assessment which is set out below.

National Policy

35. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Planning Practice Guidance⁸ states that all plans should be prepared positively, be shaped by effective engagement with the local

⁷ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

⁸ Planning Practice Guidance Paragraph: 041 Reference ID: 41-041-20140306

community and contain policies which are clearly written and unambiguous. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

36. The Basic Conditions Statement, in Tables 1A to 1D, sets out a comprehensive assessment of how the policies under each topic heading in the NP ie Environment, Wellbeing, Prosperity and Town Centre, conform with the guidance in the NPPF. On a point of detail, the table numbering system used in the Basic Conditions Statement means that some numbers are duplicated and ideally this should be corrected - so the tables on pages 9-15 should be labelled 1B, 1C and 1D.

37. Overall, I conclude that this Basic Condition is met.

- **Recommendation : Renumber the tables on pages 9-15 of the Basic Conditions Statement as Tables 1B, 1C and 1D**

Sustainable development

38. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF⁹. Section C2 of the Basic Conditions Statement sets out a brief summary assessment of how each policy in the NP contributes to the overarching objectives of the NPPF.

39. I therefore conclude that this Basic Condition is met.

Development Plan

40. The NP also has to demonstrate that it accords with the strategic policies of the Development Plan. At the time that the NP was being prepared, the adopted development plan comprised the North Somerset Core Strategy (adopted in 2017), The Sites and Policies Plan : Development Management Policies (adopted in 2016), the Sites and Policies Plan Part 2 : Site Allocations Plan (adopted in 2018) and the West of England Joint Waste Core Strategy (adopted in 2011). There is thus a relatively up to date development plan framework in place to guide the preparation of the NP.

⁹ NPPF paragraph 16

41. There are a number of different references to the adopted development plan framework in the NP. To ensure consistency with the convention used by North Somerset Council for matters related to the adopted Sites and Policies Plan, these references should be changed to the Development Management Policies 2016 and Site Allocations Plan 2018 as appropriate .

- **Recommendation : Change all relevant references in NP to the adopted Sites and Policies Plan to Development Management Policies 2016 and Site Allocations Plan 2018 as appropriate .**

42. In response to my query regarding Tables 2A-2D, the Town Council has confirmed that the assessment of the NP policies against local strategic policy is against the adopted development plan, as listed in paragraph C3.1. To make this clear the title below paragraph C3.3 should be changed, otherwise there is a risk that the table could be taken to be an assessment against the emerging Local Plan.

- **Recommendation : Amend title below paragraph C3.3 of the Basic Conditions Statement to read “ Tables 2A-2D – NP policies general conformity against the adopted North Somerset Core Strategy and Sites and Policies Plan Parts 1 and 2.**

43. Planning policy guidance says that :

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.¹⁰

44. At the time that work embarked on the NP, work on the new North Somerset Local Plan was already under way. In response to my question about the current Local Plan timetable, North Somerset Council confirmed that, following consideration of the responses to the Preferred Options Local Plan, the consultation on the Pre-submission Plan (Regulation 19) would take place in April/May 2023, meaning that the Local Plan would be submitted to the Secretary of State for

¹⁰ *Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509*

examination in July 2023 rather than in January 2023. More recently, North Somerset Council has updated this programme, stating that:

“Following the announcement on 6 December 2022 of the government’s intention to make further changes to the planning system including a revised method of calculating the housing requirement and increased protection for constrained areas, including Green Belts, the Council has made the decision to await clarity on these critical issues before finalising a revised version of the local plan. Consultation on a revised Local Plan is therefore not now expected to take place before Summer 2023 with submission for examination in Autumn 2023.”

45. A number of representations have also raised concerns about the time span of the Neighbourhood Plan suggesting that the plan should be delayed until there is greater certainty about the emerging North Somerset Local Plan.

46. The changes to the Local Plan timetable have implications for the strategic context against which the NP has to be examined. Given the uncertainties regarding the emerging Local Plan it can be given very little weight, so the assessment of the NP against the basic conditions has to be made against the North Somerset Core Strategy (adopted in 2017), the Sites and Policies Plan: Development Management Policies (adopted in 2016), the Sites and Policies Plan Part 2: Site Allocations Plan (adopted in 2018). In order to meet the basic conditions, then, the end date of the NP should be amended to 2026, to align with the adopted Core Strategy and associated documents. References to a 15 year time horizon for the NP in paragraph 1.28 should be deleted.

- **Recommendation : Change all references in the Neighbourhood Plan to the Neighbourhood Plan time horizon to 2022-2026. Delete last two sentences of paragraph 1.28 and all of Paragraph 1.29. Renumber subsequent paragraphs accordingly**

Basic Conditions – conclusions

47. I have considered the Basic Conditions Statement and the supporting evidence and representations made to the NP and I am satisfied that the NP as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the town and policies to protect its distinctive character while accommodating development needs.

48. At a practical level, however, many of the policies in the Submission NP need some adjustment to ensure that they comply with the NPPF and the strategic guidance in the adopted Core Strategy and associated plans. I have therefore suggested a number of modifications in Section 8 below, to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

49. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination is made by the responsible authority that the plan is not likely to have “significant effects”.

50. A Strategic Environmental Assessment (SEA) Screening and Habitats Regulation screening report was prepared by North Somerset Council for the Portishead Neighbourhood Plan in January 2022 and updated in March 2022. This concluded that the NP is not likely to have significant environmental effects and thus a Strategic Environmental Assessment is not required. The Habitat Regulations Assessment also considers that the NP will not result in a significant effect on any European Sites or their qualifying features either alone or in combination with other plans or projects. A full HRA is therefore not required.

51. As the SEA report prepared to support the NP has been prepared in light of the updated basic condition referred to in para 10 above, I conclude that the necessary legislative requirements have been met and that the basic condition is complied with.

Human rights requirements

52. The Basic Conditions Statement, in Section C4, briefly explains how the plan fulfils other EU obligations in relation to human rights.

53. I am satisfied, therefore, that the NP is compatible with the requirements of EU obligations in

relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

Other Directives

54. I am not aware of any other European Directives that would apply to the NP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

8. Neighbourhood Plan policies

55. This section of my report considers the NP policies against the basic conditions.

56. The Plan is clearly written and is beautifully presented and illustrated, with a clear and easy to follow structure, enhanced by a distinctive colour coding for each section. Part 1 sets out helpful background material to explain why the NP is being prepared, the policy context and the plan's vision and objectives. Part 2 is divided into three thematic sections – Environment, Wellbeing and Prosperity, followed by a short section covering the area-based policies and community actions. For each policy there is a brief context section, a box listing cross references to the relevant NP objective with the policy itself set out in a coloured box. The Steering Group is to be commended on how clearly the plan is structured and presented.

57. The plan is supported by a very comprehensive evidence base which is presented as appendices to the document and on the NP website.

58. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance¹¹ are met.

PART 1 Introduction

59. This section introduces the Neighbourhood Plan, explains why a NP is being prepared and the planning context in which it is being prepared. It also summarises the community consultation activities that have informed the preparation of the plan.

¹¹ Planning Practice Guidance PPG para 004

PART 2

ENVIRONMENT POLICIES

Natural Environment

Policy PEN1 Landscape Setting and Views

60. This policy seeks to protect the landscape setting and key views within the NP area. However, it only makes reference to Figure 2 which is the Portishead Landscape Types Map and does not refer to Figure 3 which is the Portishead Key Views Map. Policy PEN1 therefore needs to be expressed more precisely to assist future users of the plan. The reference to Weston Big Wood in clause (iii) should make clear that it is designated ancient woodland.

- **Recommendation : Reword the first sentence of Policy PEN1 to read “Any development should seek to conserve and enhance the landscape setting of Portishead and have regard to the Landscape Character Assessment shown in Figure 2 and the Portishead Key Views Map shown in Figure 3”. In PEN1iii add “the ancient woodland at” before “Weston Big Wood”**

61. A representation has commented that the Local Key Views Report identifies a key view from the Gordano Valley towards Portishead which is outside the neighbourhood plan area. It is not appropriate for the NP to cover land use planning matters outside the designated NP area so this reference should be deleted.

- **Recommendation : Delete the section entitled “Key View Type 4: From the Gordano Valley towards Portishead – OUTSIDE THE PLAN AREA” from the Local Key Views Report**

Policy PEN2 Portishead’s Green and Blue Infrastructure

62. This policy seeks to protect Portishead’s green and blue infrastructure, which is shown on the unnumbered map on page 35. Many of these designations are carried forward from the North Somerset Local Plan and thus provide useful context. However, not all could be considered strategic and in response to my query the Town Council has suggested that the reference to strategic green and blue infrastructure should be deleted from the policy. Natural England has also suggested that reference should be made to the relevant national guidance; this would assist future users of the plan and should be added to the supporting text.

- **Recommendation : Add title “Figure 4 Green and Blue infrastructure” to the map on Page 35. Delete “strategic” from first line of Policy PEN2. At end of paragraph 3.16 add “National guidance is set out in the National Green Infrastructure Framework.”**

Policy PEN 3 Flood Risk and Natural Flood Management

63. Wessex Water has commented that smaller developments can present as much flood risk and environmental harm as major development, therefore the second paragraph of Policy PEN3 should be amended to cover all development.

- **Recommendation : Delete “Major” at start of second paragraph of Policy PEN3**

64. The third paragraph of Policy PEN3 conflicts with para 159 of the NPPF which states that a sequential test should be followed if development is proposed in an area at risk of any type of flooding, including surface water flooding. It also overlaps with and duplicates the strategic guidance in policy CS3 of the North Somerset Core Strategy. This can be avoided by deleting the paragraph and adding a clearer reference to Policy CS3 in the supporting text.

- **Recommendation : Delete third paragraph of Policy PEN3. In first sentence of para 3.27 after “North Somerset” delete “Local Plan” and insert “Core Strategy Policy CS3”**

Policy PEN4 Biodiversity

65. The first paragraph seeks to secure a minimum of 10% net gain in biodiversity from development proposals and the supporting text makes extensive reference to the emerging North Somerset Local Plan Policy DP32 (Nature Conservation) which outlines the emerging approach to nature conservation in the District.

66. With regard to the status of emerging development plan policies, government guidance says:

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509

67. As part of the Neighbourhood Plan preparation process, I note that new evidence has been prepared in the form of the GBI Evidence Base Report and it is clear that progress is being made

towards an emerging local policy. However, references to the emerging Local Plan policy, as such, are premature and should be deleted.

68. In addition, Para 174(d) of the NPPF does not specify a minimum biodiversity gain target as suggested in paragraph 3.31. It states:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

69. In order to meet the basic conditions, Policy PEN4 and the supporting text requires some amendment.

- **Recommendation : Delete the first sentence of paragraph 3.30 and second sentence of para3.31 which refer to emerging Local Plan policies DP32 and DP33. Delete “minimum of 10%” in first line of Policy PEN4. In first sentence of Para 3.31, delete “requires a minimum of 10% biodiversity net gain” and replace with “seeks to minimise impacts on and provide net gains for biodiversity”**

70. Natural England has suggested an amendment to the supporting text to refer to development outside the Severn Estuary designated sites potentially affecting the SAC. It also suggests making a reference to the importance of Portishead Parish for horseshoe bats associated with the Bats SAC.

71. These are District wide issues which are adequately covered by Core Strategy policy CS4 Nature Conservation. No change is required.

72. The second paragraph of Policy PEN4 refers to statutory and non-statutory sites in Figure 4 and Priority Habitats in Figure 6 but it is unclear if the same guidance is meant to apply to each. This could prove confusing for future users of the plan. To address this, the sentence at the end of paragraph 2 of Policy PEN4 should be deleted and a reference to Figure 6 added to the last paragraph of the policy.

- **Recommendation : Delete the sentence at the end of paragraph 2 of Policy PEN4. In the last paragraph of the policy , add “as identified in Figure 6” after “and Priority Species and habitats)”**

73. The guidance on development affecting a Site of Special Scientific Interest simply repeats the first part of paragraph 180 (b) of the NPPF, but not the rest of the paragraph that covers the exceptional circumstances when development in an SSSI may be permitted. This is confusing and will

not assist future users of the NP. The clause should thereafter be deleted as the necessary guidance is in the NPPF.

- **Recommendation : Deleted fifth paragraph of Policy PEN4**

Policy PEN5 Trees, Hedgerows and Woodland

74. The first part of the policy deals with ancient and veteran trees. A representation has commented on the buffer of 50- 150 m to protect Weston Big Wood, suggesting that this goes beyond government guidance. The higher threshold appears to have been taken from Forestry Commission guidance which states a minimum of 50m being maintained between a development and an ancient woodland; no justification is given for the upper 150m threshold. There is also no reference to the SSSI impact risk zones in the policy so the last sentence of para 3.37 is not relevant and should be deleted. The policy and the supporting text therefore needs amending to meet the basic conditions.

- **Recommendation : In third sentence of Policy PEN5 change “50 – 150 metre” to “minimum of 15m and preferably up to 50m”. In fourth sentence of para 3.37 delete “50 – 150 metre” and replace with “minimum of 15m and preferably up to 50m”. Delete last sentence of para 3.37.**

75. The second paragraph requires some minor rewording as there is a clause(b) but no clause(a).

- **Recommendation : In third line of second paragraph of Policy PEN5, add “(a)” after “either”.**

76. The third paragraph dealing with existing trees goes beyond the guidance in the NPPF para 131, which refers to existing trees being retained “wherever possible”.

- **Recommendation : Add new sentence at end of third paragraph of Policy PEN5 to read “Wherever possible they should be protected, without damage or loss of value, particularly those which demonstrate good arboricultural biodiversity value.”**

Policy PEN6 Designation of Local Green Space

77. Local green spaces are highly valued by the community, particularly in more densely built up towns such as Portishead and the Steering Group has carried out extensive research to identify and

designate such spaces. Government guidance for designating Local Green Spaces is set out in NPPF paragraph 147 and as the effect of designation is to preserve it for perpetuity, it is important that government guidance is followed in full if the NP policy and associated designations are to meet the basic conditions.

78. Government guidance in paras 101 and 102 implies that LGS should be primarily be green spaces and not hardstanding. North Somerset Council has also pointed out that many of the proposed Local Green Spaces are below the NSC size threshold of 0.2ha and that allotments are not normally appropriate for LGS designation. This approach has been tested through examination and has been shown to be robust. The allotment sites are already protected under NP policy PWC1 – protection of existing community facilities and infrastructure – so there is no need for them to be listed as LGS in Policy PEN6.

79. I have considered the smaller sites below the 0.2 ha threshold designated in the NP and saw from my site visits that the majority are well maintained, clearly defined assets which add to the street scene. They therefore meet the criteria for designation as LGS set out in the NPPF. The exceptions are LGS10 (Island in West Hill) which is a small island in the centre of the road, LGS13 (Lorymore's Park, Nore Road) which is a very small area of concrete hardstanding, LGS26 (Sheepway Roundabout) which is part of the adopted highway. All should be deleted from Figure 8.

80. I visited the field with play area at Underwood Road (LGS1) and saw that the field formed an integral part of the open space with the play area at its centre, so its boundaries are appropriate. The Viewing Point at Woodlands Road is a small concreted area with seating which affords extensive views westwards across the Severn Estuary. However, there is a mismatch between the description of the site in the supporting evidence in the Local Green Space Evidence Base Report Submission Version 2022 and the mapping in the NP. I saw from my site visit that the viewing area sits immediately adjacent the East Wood which is already protected as Local Green Space under Policy SA5 in the Sites and Policies Plan, Part 2 April 2018. The boundaries of this site and other LGS sites designated in the NP are difficult to discern due to the scale of the mapping ; larger scale plans of each LGS are required showing exact site boundaries. These should be added as a new Appendix to the NP.

81. Fore Hill and Lyes Orchard (LGS28) is an extensive area of mixed wood and agricultural land and is fenced off as private land. It therefore does not meet the criteria for designation as LGS and should be deleted. I note that much of it is already protected as a Local Wildlife Site. The description of the Village Quarter Ecology Park (LGS27) in the Local Green Space Evidence Base Report

Submission Version 2022 seems to include the large pond at the centre of the park, but the mapping seems to exclude it. This needs to be amended.

82. LGS2 Slade Road West is identified as an area of Local Green Space. It is immediately adjacent to the site for 23 dwellings at Land south of Downside which is allocated in the adopted Sites and Allocations Plan under Policy SA1. From my site visit, it appeared that the area designated as local green space and depicted in Figure 8 was quite large, potentially encroaching on the site allocated in the adopted Local Plan. The exact site area of this LGS therefore needs to be checked and amended, if necessary, to ensure that it does not overlap with the housing site allocation.

83. In order to meet the basic conditions, therefore, the list of sites designated as Local Green Space shown in Figure 78 should be amended.

- **Recommendation : Delete LGS5 (Lower Down Road allotments), LGS7 (Gertie Gales allotments), LGS8 (Beach Hill allotments), LGS9 (North Weston allotments), LGS10 (Island in West Hill with tree), LGS13 (Lorymore’s Park, Nore Road), LGS18 (South View allotments), LGS26 (Sheepway roundabout community orchard), LGS28 (Fore Hill and Lyes Orchard) from Figure 8. Renumber subsequent LGS and Figure 8 accordingly. Amend the mapping for LGS27 (Village Quarter Ecology Park) to include the pond within the designation. Check the boundary of LGS2 (Slade Road West) to ensure that it does not overlap with the boundary of Land south of Downside which is allocated in the adopted Sites and Allocations Plan under Policy SA1. Add larger scale maps of each designated LGS showing exact boundaries as an additional Appendix to the NP. A reference to this new Appendix should be added to Policy PEN6 after “Figure 8”**

84. The NP should make clear that the existing Local Green Space Designations (North Somerset Site Allocations 2018 Policy SA5) are shown in figure 8 for information only. It should also make clear that the NP is designating additional areas as LGS.

- **Recommendation : Amend second sentence of paragraph 3.47 to read “These designations are shown for information in Figure 8. Amend final sentence of para 3.47 to read “The Neighbourhood Plan designates a number of additional Local Green Spaces that are particularly special to the Portishead community.”**

Policy PEN7 Other Green Spaces

85. This policy seeks to protect a wide range of other green spaces from development.

86. North Somerset Council has established a list of NPPF compliant typologies to describe the green infrastructure in North Somerset. In appropriate cases, developer contributions can be secured to protect, enhance or create new spaces; the Council's guidance is set out in Development Contributions Supplementary Planning Document North Somerset Council January 2016.

87. The issue for the NP is that the terminology used in policy PEN7 and Figure 9 is different to that in the NSC guidance. However, I note that the designations in the NP are based on up to date evidence as set out in the Portishead GBI Evidence Base Report (2022) and the Development Contributions SPD is now dated. In these circumstances the NP is providing local detail so no change is required to Policy PEN 7 or Figure 9.

Built Environment

88. North Somerset Council has pointed out that paragraph 3.6 requires some minor rewording to make clear that the Former Nautical School is not the only listed building of national importance.

- **Recommendation : In second sentence of para 3.6, add “national” before “listing system”**

Policy PEB1 Locally Distinctive, High Quality Design

89. Policy PEB 1 seeks to promote high quality design but a thorough site and context appraisal may not be appropriate for smaller scale development including householder applications. The policy therefore needs to be amended to state that this requirement should be met only where appropriate.

- **Recommendation: Add “Wherever appropriate, in relation to the scale of development,” before “All new development” at the start of the second paragraph of policy PEB1 and change “must” to “should” before “draw upon”**

90. The requirement that major new development should achieve nine out of the twelve “green” indicators on the Building for a Healthy Life Commendation is onerous and not based on government or other strategic guidance. The policy should seek to encourage achievement of these indicators, not requiring them.

- **Recommendation : In second sentence of fifth paragraph of Policy PEB1 delete “that” after “development schemes” and add “are encouraged to”. Delete “will be supported” at end of paragraph**

Policy PEB2 Small and Infill Development

91. The final bullet point of policy PEB2 seeks to secure biodiversity improvements as a result of small and infill development. The requirements are onerous, particularly for householder applications and the policy requires some fine tuning so that it accords with the changes recommended to Policy PEN4, above.

- **Recommendation : Delete “where an improvement ...particularly supported” at the end of the final bullet point of Policy PEB 2 and replace with “which seeks to minimise impacts on and provide net gains for biodiversity”.**

92. Policy PEB2 refers to the Settlement Boundary for Portishead (as defined in the adopted Sites and Policies Plan Policy SA2 and adopted Development Management Plan Policy DM37) which is shown in Figure 11, although there is no direct reference in the policy itself to this map. The reference to the adopted Local Plan needs to be amended for consistency and clarity. A consultee has pointed out that Appendix 3 shows the Proposed Portishead Settlement Boundary from the emerging North Somerset Local Plan. As this plan is still in preparation and has not yet reached the formal submission stage, the inclusion of Appendix 3 in the NP is premature. It should therefore be deleted.

- **Recommendation : Delete Appendix 3 Proposed Portishead Settlement Boundary (emerging North Somerset Local Plan) from the Neighbourhood Plan. In second paragraph of Policy PEB2 after “within the” delete “adopted Local Plan (Policies SA2 and DM37)” and replace with “the adopted Site Allocations Plan 2018 Policy SA2 and adopted Development Management Plan Policies 2016 Policy DM37”. After “Settlement Boundary” add “shown in Figure 11”.**

Policy PEB3 Local Heritage

93. Para 3.75 needs some minor amendment as listed buildings are designated by the Secretary of State, not Historic England and conservation areas are designated by the local planning authority, not appointed.

- **Recommendation : In second sentence of paragraph 3.75, delete “ Historic England” and replace with “the Secretary of State” and delete “appointed” and replace with “designated”**

94. Paragraph 3.77 needs to be amended to include a reference to Grade II* buildings.

- **Recommendation : In paragraph 3.77 add “II*, ” after “Grade I or”**

95. A local list has now been prepared, so paragraph 3.79 needs to be updated accordingly.

- **Recommendation : In paragraph 3.79, change “are working” to “has worked” and change “launch” to “produce”**

96. Policy PEB3 requires some amendment to ensure that it accords with paragraph 194 of the NPPF and policy CS5 Landscape and the Historic Environment of the adopted Core Strategy and thereby meets the basic conditions.

- **Recommendation : In second bullet point of Policy PEB3 Part A, delete “and structures across the town” and replace with “listed buildings, buildings of local significance, scheduled monuments, other archaeological sites, registered and other historic parks and gardens.” Add a new sentence after the second bullet point to read : “The historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.”**

97. Figure 12 maps Local Heritage Assets in the NP area. North Somerset Council has pointed out that the Lake Grounds is an unregistered park and garden and should be added to the map and to Policy PEB3B. Reference should also be made to archaeological potential assets and the need to consult the Historic Environment Record (HER) and providing an archaeological desk based risk assessment, where appropriate.

- **Recommendation : Add the Lake Grounds as an unregistered park and garden to Figure 12 with an appropriate key. In Policy PEB3 Part B after “local interests” add “unregistered park and gardens”. Add a new clause PEB3 Part B v to read “potential**

archaeological assets, through consulting the Historic Environment Record (HER) and providing an archaeological desk based risk assessment, where appropriate.”

98. The last sentence of PEB3B requires some fine tuning to make clear that a Heritage Statement is required and the Impact Assessment is contained within it.

- **Recommendation : At start of last sentence of PEB3B, delete “A heritage impact assessment” and replace with “a Heritage Statement, including an Impact Assessment”**

Policy PEB4 Sustainable Design , Construction and Retrofitting

99. To comply with Core Strategy Policy CS2, the use of the zero-carbon toolkit can only be encouraged, not enforced so clause a) of policy PEB4 requires amendment.

- **Recommendation : In clause a) of policy PEB4, delete “seek” and replace with “be encouraged ”**

100. Overheating is covered by building regulations part O, so clause d) should be deleted.

- **Recommendation : Delete Policy PEB4 clause d). Renumber subsequent clauses accordingly.**

101. In the second paragraph of Policy PEB4 it is not clear what is to be retrofitted; it therefore requires rewording to provide clarity for future users of the NP.

- **Recommendation : In second paragraph of Policy PEB4, add “energy saving measures” after “the retrofit of”**

Renewable Energy

Policy PER1 Supporting Renewable and Low Carbon Energy Schemes in Portishead

102. I have no comments on this policy.

WELLBEING

Community Facilities and Infrastructure

Policy PWC1 Protection of Existing Community Facilities and Infrastructure

103. On a point of detail, there is a paragraph number missing for the paragraph below paragraph 4.9.

- **Recommendation : Add paragraph number to the paragraph below paragraph 4.9 and renumber subsequent paragraphs accordingly**

104. Policy PWC 1 refers to the existing community facilities and infrastructure to be protected and these are mapped on Figure 13 – Community Facilities. However, they are also listed in the unnumbered table on page 75, entitled Community Facilities List. To ensure clarity for future users of the plan, both sources should be referenced in the policy. A representation has suggested that Portishead Guide Hut should be added to the list of Youth and Other Facilities.

- **Recommendation : Add a table number to the table on page 75, entitled Community Facilities List. Add a reference to this table in the first sentence of Policy PWC1. Add 64 Portishead Guide Hut to the list of Youth and Other Facilities on Page 75**

Policy PWC2 New Community Facilities and Infrastructure

105. I have no comments on this policy.

Housing

106. A number of representations have made comments promoting proposed housing sites. However, the Steering Group has not considered housing allocations to be within the scope of the NP, nor has it considered amendments to the settlement boundary of Portishead. These matters will be considered as part of work on the emerging North Somerset Local Plan. Any amendment to the Green Belt boundaries, within which the objectors sites are located, is also a strategic matter to be addressed through the emerging Local Plan. In addition, paragraph 4.25 refers to emerging housing numbers from the housing requirements from the draft North Somerset Local Plan and is premature and should be deleted.

- **Recommendation : Delete last two sentences of paragraph 4.25**

Policy PWH1 Protection of Portishead's Existing Housing Stock

107. This policy is unduly onerous, as there will be some circumstances, such as in town centres, where the conversion from residential to other uses may be appropriate. There may also be situations, such as demolition, which could result in a net gain in the number of residential properties.

- **Recommendation : Add “where appropriate” at end of first sentence of Policy PWH1. In last sentence of Policy PWH1, add “net” before “loss”**

Policy PWH2 Retaining Existing Valued Smaller and Accessible Housing Stock

108. The title of this policy is misleading and does not fit the content of the policy. It therefore needs to be reworded.

- **Recommendation : Reword title of Policy PWH2 to “Extensions to existing dwellings”**

Policy PWH3 New Housing to Meet Local Needs in Portishead

109. The reference to “subsequent adopted Local Plan Policy” in the first bullet point of policy PWH3 appears to allude to the emerging Local Plan and should be deleted. In the second bullet point, a more generic reference to the Portishead Housing Needs Assessment is required, as it could be updated over the lifetime of the NP. The Neighbourhood Plan and its policies should be read as a whole, so the last clause of Policy PWH3 duplicates guidance elsewhere in the NP and should be deleted.

- **Recommendation : In the first bullet point of policy PWH3, delete the reference to “or subsequent adopted Local Plan Policy”. In second bullet point of PWH3 , add “latest “ after “in the” and delete “2021”. Delete last clause of Policy PWH3**

Policy PWH4 Housing Available to Local People in Housing Need

110. The format of policy PWH4 is repetitive and confusing, meaning that priorities are unclear. To ensure clarity for future users of the NP, it needs to be amended. North Somerset Council has also pointed out that social rented housing is the priority in Portishead rather than First Homes, so the emphasis of the policy should be changed.

111. To comply with government guidance¹², the local connection criteria should not be applied to

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members of the armed forces and veterans. Policy PWH4 and the supporting text therefore need to be amended accordingly.

- **Recommendation:** In first sentence of policy PWH4 delete “where open market, First Homes and all other ” and replace with “ensuring that”. Delete “Either” and “immediately preceding the date of bidding or offer in the case of Shared Ownership housing” in clauses i. to iv. Add new sentence below PWH4iv to read “In all cases the timeframe will be taken to be that immediately preceding the date of bidding or offer in the case of Shared Ownership housing”. Add “or” at the end of clauses PWH4i to iii. Add a new paragraph below PWH4 Clause iv) to read “These criteria will not apply to members of the armed forces and veterans”. Add a reference to clauses PWH4i to iv in last sentence of Policy PWH4. At end of last sentence of Policy PWH4, add “as set out in clauses PWH4i to iv.” Add new paragraph 4.46 to read “The criteria set out in Policy PWH4 will not apply to members of the armed forces or veterans in line with Planning Practice Guidance Paragraph: 008 Reference ID: 70-008-20210524”. Renumber subsequent paragraphs accordingly.

Policy PWH5 First Homes Discount in Portishead

112. I have no comments on this policy.

Policy PWH6 Homes for Elderly , Disabled and Vulnerable People

113. The supporting text for this policy refers to the emerging draft Local Plan policy on Accessible and Adaptable Homes. This is premature as work on the draft Local Plan is still underway. The supporting text therefore needs to be amended accordingly.

- **Recommendation :** Delete first and second sentence of paragraph 4.63. In second sentence , delete “It will strengthen the requirement to provide accessible and adaptable homes – as currently drafted,”. Start new sentence at “policy DM42”

Policy PWH7 Adaptable New Homes

114. I have no comments on this policy.

Policy PWH8 Alterations to make Existing Homes Accessible

115. This policy deals with proposals to make listed buildings and properties in conservation areas more accessible; however, the reference to “a loss of car parking” is not explained in the supporting text and should therefore be deleted.

- **Recommendation : Delete last bullet point of Policy PWH8**

Policy PWH9 Community Led Development Projects

116. My only comment on this policy is that the reference to “(or any subsequent revision)” is superfluous and not consistent with the approach taken elsewhere in the NP. It should therefore be deleted.

- **Recommendation : Delete “(or any subsequent revision)” from second bullet point of Policy PWH9**

Policy PWH10 Self Build and Custom Build Housing

117. North Somerset Council has commented that this policy is based on the emerging North Somerset Local Plan policy DP46, which has yet to be viability assessed. In addition, as the NP makes no housing site allocations there is no site where this policy could be applied. It therefore should be deleted.

- **Recommendation : Delete paragraphs 4.73 to 4.77, other relevant supporting text and Policy PWH10. Renumber subsequent paragraphs and policies accordingly**

Policy PWH11 Sub Divisions and Conversions of Larger Property

118. The title of the parking standards document referred to in the final bullet point of Policy PWH11 needs to be corrected.

- **Recommendation : Delete “multi-modal parking standards 2021” in last bullet point of Policy PWH11 and replace with “Parking Standards Supplementary Planning Document November 2021”**

PROSPERITY

Economy

Policy PPE1 Protecting Portishead’s Valued Employment Space

119. Policy PPE1 provides guidance on protecting other valued employment sites and these are shown on Figure 13 as four blurred red dots. This does not provide sufficient precision for a land use planning document and I asked the Steering Group to provide site location plans and names for each of the sites.

120. This was submitted along with a supporting explanatory note and amendment on 27 January 2023. In view of the updated information provided, I requested that a further three week period of consultation took place on these matters; this ended on 21 February 2023.

121. In order to meet the basic conditions, it is important that there is complete alignment between the adopted Site Allocations Plan which shows sites which are protected under policies SA3 and SA4 and the mapping in the NP which seeks to protect additional mixed use and employment sites. The updated mapping now shows both sets of allocations so meets the basic conditions. The key refers to “North Somerset Local Plan policy SA4”. This should more correctly refer to the adopted Site Allocations Plan 2018 policy SA4. North Somerset Council has noted that full names for the Locally Identified Valued Employment Sites are not provided (e.g. Portis Fields is called Portis Fields Middle Bridge Business Park) – providing these will make it easier for people reading the map to be able to identify the sites. These should be added. I note also that the updated map should be referred to as Map 14, rather than Map 13.

- **Recommendation : Delete existing Map 13 and replace with updated Map 14. Amend key reference “North Somerset Local Plan policy SA4” to “Site Allocations Plan policy SA4”. Add new reference to “Site Allocations Plan policy SA3”. Add full names for the Locally Identified Valued Employment Sites. In first sentence of Policy PPE1 change Figure 13 to Figure 14 .**

122. The supporting text should also be amended to clarify that policy PPE1 is a supportive policy, complementing Site Allocations Plan 2018 Policies SA3 and SA4, which protect the Old Mill and Gordano Gate sites for mixed use and employment use respectively.

- **Recommendation : Amend second sentence of para 5.17 to read “This reflects North Somerset Site Allocations Plan 2018 Policies SA3 and SA4 which set out criteria for specific sites where existing mixed use and employment uses are to be protected and discourages change of use from mixed use or employment to other uses. These are shown in Figure 14”. In third sentence of para 5.17 add “additional” before “identified”.**

123. Policy PPE1 also needs some fine tuning to improve clarity for future users of the plan .

- **Recommendation : In first sentence of Policy PPE1, add “the existing “ after “increase” and “use “ after “employment” . Delete “levels”**

Policy PPE2 Supporting Business Investment , Start-ups and Low Carbon Business Enterprise

124. I have no comments on this policy.

125. On page 106, some paragraph numbers are missing

- **Recommendation : Add paragraph numbers on page 106 and renumber subsequent paragraphs accordingly.**

Policy PPE3 Supporting Low Carbon Local Business

126. North Somerset Council suggests that as there is no policy for the Wyndham Way Study Area in the NP, then paragraph 5.24 should be amended to refer only to the community's aspirations. This change will provide clarity for future users of the plan so is appropriate.

- **Recommendation : Replace “Neighbourhood Plan’s approach ” in second sentence of paragraph 5.24 with “the community’s aspirations”**

Policy PPE4 Digital Connectivity and Telecommunications

127. I have no comments on this policy.

Policy PPE5 Homeworking and Live-Work Units

128. This policy seeks to encourage homeworking and live/work accommodation and, in order to meet the basic conditions, it needs to be aligned more closely with Policy DM34 of the Development Management Policies 2016. The second paragraph of the policy duplicates other policy guidance elsewhere in the NP and should be deleted.

- **Recommendation : Reword first sentence of Policy PPE5 to read “Proposals for live/work units and new housing development which enables homeworking will be supported, to help limit the amount of out-commuting and support local employment opportunities”. Delete second paragraph of Policy PPE5**

Transport

Policy PPT1 Inclusive Active Travel

129. North Somerset Council has suggested that it would be helpful if paragraph 5.34 included links to the North Somerset Climate Emergency Action Plan and the North Somerset Active Travel Strategy 2020-2030. On a point of detail, there is a word missing in paragraph 5.39.

- **Recommendation : Add references to the North Somerset Climate Emergency Action Plan and the North Somerset Active Travel Strategy 2020-2030 in paragraph 5.34. Add “the” before “public transport” in last line of paragraph 5.39**

130. The reference to development proposals contributing “proportionately” towards the enhancement of the transport network is undefined and does not provide clear guidance for future users of the plan. A minor amendment to the policy is therefore required. North Somerset Council has suggested an amendment to the reference to active bus stops to make clear that they should also have an appropriate level of service. A representation also suggests that reference should be made to reactivation of an inactive bus stop and service.

- **Recommendation : In first sentence of Policy PPT1, delete “proportionately and positively” and replace with “, where appropriate,”. In second bullet point, add “with an appropriate level of service or to help support the reactivation of an inactive bus stop and service” at the end of the sentence.**

Policy PPT2 Encouraging Active Travel for Leisure and Recreation

131. I have no comments on this policy

Policy PPT3 Supporting the Shift to Ultra Low Emission Vehicles

132. North Somerset Council has suggested minor changes to correct the references to the North Somerset Council Parking Standards Policy SPD in both Policy PPT3 and the supporting text.

- **Recommendations : In Policy PPT3, line four, delete “Revised”. In paragraph 5.57 change “2020” to “2021”**

Policy PPT4 Parking

133. As in Policy PPT3, above, the reference to the North Somerset Council Parking Standards Policy SPD needs to be corrected.

- **Recommendation : In Policy PPT4, line two, delete “Revised”.**

Policy PPT5 Highways Impacts and Securing Highway Safety

134. The first sentence of policy PPT5 is very long and does not provide clarity for future users of the plan. I suggest it is split into two sentences.

- **Recommendation: In policy PPT5, inset a full stop before “addressing”. Replace “addressing the” with “Proposals should address the”**

Policy PPT6 Development Proposals and Travel Planning

135. I have no comments on this policy.

AREA BASED POLICIES AND COMMUNITY ACTIONS

Priorities for Wyndham Way Study Area

136. This section of the Neighbourhood Plan refers to the Wyndham Way Study Area and placemaking work of the Wyndham Way Development Framework, which was underway at the time of drafting the neighbourhood plan. This work continues and the study will inform the emerging Local Plan pre-submission draft. I have no comments on the section of the NP.

Portishead Town Centre

Policy PTC1 Protection of Portishead Town Centre Character and Vitality

137. This policy refers to an emerging local plan policy but work on the North Somerset Local Plan is still underway, so this is premature. To meet the basic conditions, references in PTC1 should be to the adopted development plan. The Local Policy Context also needs to be amended.

- **Recommendation : In first line of Policy PTC1, delete “emerging Local Plan” and substitute “Development Management Policies : Sites and Policies Plan Part 1.” In the Local Policy Context on page 132, add at end of DM47 “within towns and defined settlements”. In DM63, delete “Frontages” and substitute “Shopping Areas”. Add “DM64 Primary Shopping Frontages” to the list. Reword DM66 to read “The sequential approach to retail development”**

138. The boundary of the defined Town Centre area should accord with that defined in Policy DM60 of the adopted Local Plan. It should also be referred to as Figure 18, not Figure 17. The Town Council has provided an updated version which includes the corrected boundary and baseline information.

- **Recommendation : In second line of Policy PTC1, change “Figure 17” to “Figure 18”. Delete Figure 18 and replace with updated version provided by the Town Council.**

Policy PTC2 Business Use of Upper Floors

139. The reference to “town centre premises” is not sufficiently precise and should refer to the town centre definition in PTC1 and shown on Figure 18.

- **Recommendation : In Policy PTC2 delete “town centre premises” and replace with “premises within the defined Town Centre of Portishead and shown in Figure 18”**

Policy PTC3 Town Centre Housing

140. This policy requires some minor updating to reflect changes to the Use Classes Order in 2021 which allows the change of use from Class E (business, commercial and service use) to residential without the need for planning permission, although a prior approval is required before carrying out works. This new use class is known as Class MA.

- **Recommendation : A start of first sentence of Policy PTC3 add “ Where permitted development rights under use class MA do not apply, proposed”. Add new sentence at end of para 6.22 to read “The scope to convert more town centre floorspace to residential use was supported by the changes to the Use Class order in 2021 which created a new use class MA.”**

Policy PTC4 Keeping the Town Centre Accessible for Everybody

141. I have no comments on this policy.

Policy PTC5 Shopfronts and Signage

142. I have no comments on this policy.

9. Conclusions and Recommendations

143. I have examined the Portishead Neighbourhood Plan and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

144. I am therefore pleased to recommend to North Somerset Council that, subject to the modifications set out in my report, the Portishead Neighbourhood Plan should proceed to referendum.

145. I am also required to consider whether the referendum area should be extended beyond the Portishead Town Council area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by North Somerset Council in October 2019.

APPENDIX 1: Background Documents

In undertaking this examination, I have considered the following documents:

- Portishead Neighbourhood Plan 2022-38 Submission Draft : Summer 2022
- Portishead Neighbourhood Plan 2022-38 Submission Draft : Supporting documents
- Portishead Neighbourhood Development Plan Basic Conditions Statement Submission Version, 2022
- Portishead Neighbourhood Development Plan Consultation Statement Submission Version 2022
- North Somerset Council Core Strategy : January 2017
- North Somerset Council Development Management Policies Sites and Policies Plan Part : Adopted July 2016
- North Somerset Council Sites and Policies Plan, Part 2 Site Allocations Plan : April 2018
- Development Contributions Supplementary Planning Document : North Somerset Council January 2016
- National Planning Policy Framework (NPPF) July 2021
- Planning Practice Guidance March 2014 and subsequent updates

APPENDIX 2:

Portishead Neighbourhood Development Plan Examination

Request for further information and questions from the Examiner to North Somerset Council and Portishead Town Council

I have carried out a preliminary review of the Neighbourhood Development Plan and the evidence submitted in support of it and there are a few points where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

Basic Conditions Statement

1. Section C3 of the Basic Conditions Statement sets out an assessment of the NDP policies against local strategic policy and the components of the adopted local development plan are listed in paragraph C3.1. Tables 2A-2D are entitled “NDP Policies general conformity with the North Somerset Local Plan”. Can the Town Council confirm whether this assessment is against the adopted development plan, as listed in paragraph C3.1, or the policies in the emerging North Somerset Local Plan?
2. Could North Somerset Council confirm the current timetable for the North Somerset Local Plan, including the next stage of public consultation and likely examination and adoption timetable?
3. There appear to be two sets of tables 2B,2C and 2D. Should the first set on pages 9 to 15 be labelled 1B,1C and 1D?

Valued Employment Space

Policy PPE1 provides guidance on protecting valued employment space and these are shown on Figure 13 as four blurred red dots. This does not provide sufficient detail and so I would be grateful if the Steering Group could provide site location plans and names for each of the proposed sites.

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils’ websites as appropriate.

Barbara Maksymiw

30 November 2022

Portishead Neighbourhood Plan Examination

Request for further information and questions from the Examiner to North Somerset Council and Portishead Town Council

I have carried out a further review of the Neighbourhood Development Plan and the evidence submitted in support of it and there are a few points where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

Policy PEN2 Portishead's Green and Blue Infrastructure

Policy PEN2 seeks to protect Portishead's Green and Blue Infrastructure network and refers to Figure 4, where eight different types of designation are mapped all with different references and names. Please can the Town Council confirm which of these mapped categories are intended to be included in the term "Strategic Green and Blue Infrastructure" referred to in Policy PEN2? I note that there are reference numbers for the Local GBI corridors - ie LGBI1-4 – which are carried through from the Portishead Neighbourhood Development Plan Green and Blue Infrastructure Report to the Neighbourhood Plan mapping but there is no such numbering for the other GBI assets. I would welcome the Town Council's comments.

Policy PEN4 Biodiversity

The second paragraph of Policy PEN4 refers to statutory and non-statutory sites in Figure 4 and Priority Habitats in Figure 6 but it is unclear if the same guidance is meant to apply to each. Please can the Town Council clarify what is meant?

Policy PEN7 Other Green Spaces

Policy PEN7 refers to other green spaces to be protected and Figure 9 shows seven different types of other green space – can the Town Council confirm whether the policy is intended to apply to all the "Other green spaces" shown on this map? Open space standards generally only apply to certain types of open space; can the Council confirm which categories of other green or open space,

referred to in the second and third bullet points of Policy PEN7, such standards are intended to apply.

Policy PTC1 Protection of Portishead Town Centre Character and Vitality

Policy PTC1 refers to the Portishead Town Centre as defined in the emerging North Somerset Local Plan, under policy DM60. However, this appears to be a policy in the Sites and Policies Plan: Development Management Policies (adopted in 2016), not the emerging plan. It also refers to mapping in Figure 17, although I think this should be Figure 18. Please can the Town Council and North Somerset Council confirm which is the correct mapping for the town Centre associated with adopted DM policy DM60. If Map 18 needs to be corrected, please provide an amended plan.

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Barbara Maksymiw

Independent Examiner

27 January 2023

Portishead Neighbourhood Plan Examination

Request for further Regulation 16 Consultation from the Examiner to North Somerset Council and Portishead Town Council

Dear Celia

Thank you very much for this revised version of Figure 14 which responds to my question regarding the location of the employment sites listed under policy PPE1 of the Neighbourhood Plan.

I think that other consultees need be given an opportunity to comment on the revisions. Please can you therefore organise, in consultation with the Town Council, a further short (three week) period of Regulation 16 consultation on the revised map 14 and the supporting Explanatory Note and

Amendment. The consultation should include all those notified under the original Reg 16 and any subsequent respondents.

If you have any queries, just let me know.

Kind regards

Barbara

30 January 2023